

LEGISTAR NO.

120339

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR ALACHUA COUNTY, FLORIDA

JUSTIN STARR,
Plaintiff,

Case No.: 2012.CA.3639

Division: K

v.

CITY OF GAINESVILLE, and
KATHRYN SPENCER,
Defendants.

A True Copy
SADIE DARNELL, SHERIFF
ALACHUA COUNTY, FLORIDA
Served at UPM on the 9 Day
of Sept, 2012
BY PATTERSON #264
AS DEPUTY SHERIFF

SUMMONS

TO: KATHRYN SPENCER
4100 SW 20th Ave.
Apt. E22
Gainesville, FL 32607

IMPORTANT

A lawsuit has been filed against you. You have 20 calendar days after this summons is served on you to file a written response to the attached complaint with the clerk of this court. A phone call will not protect you. Your written response, including the case number given above and the names of the parties, must be filed if you want the court to hear your side of the case. If you do not file your response on time, you may lose the case, and your wages, money, and property may thereafter be taken without further warning from the court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

If you choose to file a written response yourself, at the same time you file your written response to the court you must also mail or take a copy of your written response to the Plaintiff's Attorney named below.

William T. Allen, Jr.
Allen Law Firm, P.A.
2025 SW 75th Street
Suite 10
Gainesville, Florida 32607
352-331-67895
Florida Bar No.: 950180

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Persons with a disability who need any accommodation in order to participate should call Jan Phillips, ADA Coordinator, Alachua County Courthouse, 201 E. University Avenue, Gainesville, FL 32601 at (352) 337-6237 within two (2) working days of your receipt of this notice; if you are hearing impaired call (800) 955-8771; if you are voice impaired, call (800) 955-8770.

IMPORTANTE

Usted ha sido demandado legalmente. Tiene 20 dias, contados a partir del recibo de esta notificacion, para contestar la demanda adjunta, por escrito, y presentarla ante este tribunal. Una llamada telefonica no lo protegera. Si usted desea que el tribunal considere su defensa, debe presentar su respuesta por escrito, incluyendo el numero del caso y los nombres de las partes interesadas. Si usted no contesta la demanda a tiempo, podiese perder el caso y podria ser despojado de sus ingresos y propiedades, o privado de sus derechos, sin previo aviso del tribunal. Existen otros requisitos legales. Si lo desea, puede usted consultar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a una de las oficinas de asistencia legal que aparacen en la guia telefonica.

Si desea responder a la demanda por su cuenta, al mismo tiempo en que presenta su respuesta ante el tribunal, debera usted enviar por correo o entregar una copia de su respuesta a la persona denominada abajo como "Plaintiff/Plaintiff's Attorney" (Demandante o Abogado del Demandante).

IMPORTANT

Des poursuites judiciaires ont ete entreprises contre vous. Vous avez 20 jours consecutifs a partir de la date de l'assignation de cette citation pour deposer une reponse ecrite a la plainte ci-jointe aupres de ce tribunal. Un simple coup de telephone est insuffisant pour vous proteger. Vous etes obliges de deposer votre reponse ecrite, avec mention du numero de dossier ci-dessus et du nom des parties nommees ici, si vous souhaitez que le tribunal entende votre cause. Si vous ne deposez pas votre reponse ecrite dans le delai requis, vous risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent etre saisis par la suite, sans aucun preavis ulterieur du tribunal. Il y a d'autres obligations juridiques et vous pouvez requerir les services immediats d'un avocat. Si vous ne connaissez pas d'avocat, vous pourriez telephoner a un service de reference d'avocats ou a un bureau d'assistance juridique (figurant a l'annuaire de telephones).

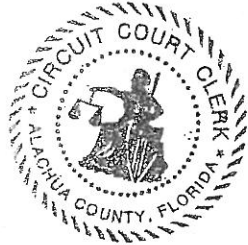
Si vous choisissez de deposer vous-meme une reponse ecrite, il vous faudra egalement, en meme temps que cette formalite, faire parvenir ou expedier une copie de votre reponse ecrite au "Plaintiff/Plaintiff's Attorney" (Plaignant ou a son avocat) nomme ci-dessous.

THE STATE OF FLORIDA:

To Each Sheriff of the State:

YOU ARE COMMANDED to serve this Summons, a copy of the Complaint, a copy of the Plaintiff's Request for Production to Defendant, and a copy of the Plaintiff's Interrogatories Propounded to Defendant in this lawsuit on the above-named Defendant.

DATED: August 31, 2012



J.K. Irby,
ALACHUA CO. CLERK OF THE COURT

By: D. Thomas
Deputy Clerk

[Seal]

COPY

**IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR ALACHUA COUNTY, FLORIDA**

JUSTIN STARR,

Plaintiff,

v.

**CITY OF GAINESVILLE, and
KATHRYN SPENCER,**

Defendants.

Case No.:

Division:

COMPLAINT

Plaintiff, JUSTIN STARR, by and through his undersigned attorney, hereby sues Defendants, the CITY OF GAINESVILLE and KATHRYN SPENCER, and alleges:

1. This is an action for damages exceeding \$15,000.00, exclusive of interests and costs.
2. Plaintiff has complied with all conditions precedent to the filing of this Complaint, including the notice requirements of Section 768.28(6), Florida Statutes.
3. At all material times, Defendant, CITY OF GAINESVILLE (hereafter, "the CITY"), was a municipal corporation organized under the laws of the State of Florida.
4. At all material times, Defendant, KATHRYN SPENCER, was a resident of Gainesville, Alachua County, Florida.
5. At all material times, Plaintiff, JUSTIN STARR, was a resident of Gainesville, Alachua County, Florida.
6. On or about November 30, 2010, at approximately 5:18 p.m., in Gainesville, Alachua

County, Florida, Plaintiff, JUSTIN STARR, was riding his bicycle westbound in the bicycle lane on Museum Road on the University of Florida campus, at or near its intersection with Gale Lemerand Drive.

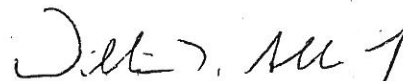
7. At the aforesaid time and place, Defendant, KATHRYN SPENCER, was operating a 2010 Regional Transit System bus owned by Defendant, the CITY, while acting within the course and scope of her employment with Defendant, the CITY. Said vehicle was being operated in a westerly direction on Museum Road, and was being operated with the knowledge, permission and consent of Defendant, the CITY. Whereupon, Defendant, KATHRYN SPENCER, so negligently and carelessly operated and maintained the motor vehicle which she was driving, violating the right of way, so that it collided with the handlebar of the bicycle being ridden by Plaintiff.

8. As a direct and proximate result of the negligence of Defendant, KATHRYN SPENCER, Plaintiff, JUSTIN STARR, was seriously injured in and about his body and extremities, suffered pain therefrom, incurred medical expenses and related expenses in the treatment of such injuries, suffered physical handicap, suffered loss of wages and his working ability was impaired, sustained a permanent injury within a reasonable degree of medical probability, and Plaintiff, JUSTIN STARR, will suffer such losses and impairment in the future.

WHEREFORE, Plaintiff, JUSTIN STARR, sues the CITY and KATHRYN SPENCER, and demands judgment for compensatory damages and any other relief deemed appropriate, in excess of \$15,000.00, exclusive of interest and costs, and demands trial by a jury of all issues triable as of right by a jury.

DATED this 29TH day of August, 2012.

ALLEN LAW FIRM, P.A.



William T. Allen, Jr., Esquire
Florida Bar No. 950180
2025 S.W. 75th Street, Suite 10
Gainesville, Florida 32607
Phone: (352) 331-6789
Fax: (352) 331-6785
Attorney for Plaintiff